

Remarks / Arguments

Claims 1-6, 8, and 13 are presently pending in this application. Claims 9, 12, 14-17, and 20 have been canceled previously. Claims 7, 10, 11, 18, 19, and 21 stand withdrawn. Claims 8, 10, 11, 18, 19, and 21 have been amended.

Claims 1-6 and 13 have been allowed.

In the official action, the examiner inquired whether the pyrimidine in claim 1 is always monocyclic. Applicants respond that the pyrimidine is not fused to another ring.

The examiner rejected claim 8 under §112, second paragraph, on the ground that the language “at least one” opens the claim to more than compounds of claim 1. He suggests that “one or more” be employed instead of “at least one”. In addition, the examiner states there is no longer antecedent basis for the word “general” in claim 1. Applicants respond that the word “comprising” used in claim 8 opens the claim to more than the compounds of claim 1, so the examiner’s suggested revised language would not change anything. Claim 8, drawn to a pharmaceutical composition comprising at least one compound of claim 1, should be patentable because the compounds of claim 1 are patentable (claim 1 stands allowed). The fact that other materials may also be present in the composition should not affect patentability. The word “general” has been deleted from claim 8 as it is unnecessary.

The examiner states that claim 19 is withdrawn, on the ground that there is no antecedent basis in claim 6 for claim 19, and states further that even if there were antecedent basis, this claim would be restricted out because to examine it would require further searching regarding microwave radiation. Applicants respond that the subject matter of claim 19 was present in claim 6 as originally filed, and was removed from claim 6 in the preliminary amendment dated March 22, 2001. Claim 19 is a proper dependent claim referring to claim 6. As claim 6 has been found to be allowable, claim 19 should be allowable without further searching. The examiner is requested to reconsider his withdrawal of claim 19, and allow this claim.

The examiner stated in the official action that claims 10, 11, 18, and 21 stand withdrawn on grounds that they include more than compounds of claim 1 and therefore are not of the same

scope as claim 1, and further, these claims would not be allowed, as they do not say what the additional ingredient is. The examiner is requested to reconsider his withdrawal of these claims and allow them as presently amended.

Regarding pharmaceutical composition claims 10 and 11, the applicants respond that as the compounds of claim 1 have been found to be patentable, claims 10 and 11 should be allowable because the claimed compositions must include at least one compound of claim 1. The fact that the compositions may also contain other materials should not require further searching and should not affect patentability. Furthermore, the skilled in the art would know what organic nitrates, NO donors, and materials which inhibit degradation of cGMP are.

Regarding method of treatment claims 18 and 21, applicants respond that these are proper dependent claims referring to allowed claim 13, which in turn requires administration of a compound of claim 1. As the compounds of claim 1 have been found to be patentable, claims 18 and 21 should be patentable without further searching. Furthermore, the skilled in the art would know what organic nitrates, NO donors, and materials which inhibit degradation of cGMP are.

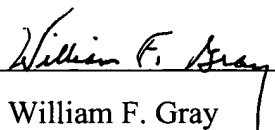
In view of the above amendments and arguments, this application is deemed to be in condition for allowance, and allowance is accordingly requested.

Respectfully submitted,

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Date: 12/23/03



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